

Before the
Federal Communications Commission
Washington, D.C 20554

In the Matter of)	
)	
Reexamination of Roaming Obligations of)	WT Docket No. 05-265
Commercial Mobile Radio Service Providers)	
 Automatic and Manual Roaming Obligations)	 WT Docket No. 00-193
Pertaining to Commercial Mobile Radio Services)	

**COMMENTS
OF THE
NATIONAL TELECOMMUNICATIONS COOPERATIVE ASSOCIATION**

The National Telecommunications Cooperative Association (NTCA)¹ submits these comments in response to Federal Communications Commission's (Commission's) Notice of Proposed Rulemaking (Notice)² seeking comment on whether the Commission's current rules regarding roaming requirements applicable to Commercial Mobile Radio Service (CMRS) providers should be modified given the current conditions of the CMRS market. NTCA requests that the Commission adopt an automatic roaming requirement and adopt measures to help ensure that large, nationwide providers do not abuse their market power to the detriment of small, rural CMRS carriers.

¹ NTCA is the premier industry association representing rural telecommunications providers. Established in 1954 by eight rural telephone companies, today NTCA represents more than 560 rural rate-of-return regulated telecommunications providers. All of NTCA's members are full service incumbent local exchange carriers (ILECs) and many of its members provide wireless, cable, Internet, satellite and long distance services to their communities. Each member is a "rural telephone company" as defined in the Communications Act of 1934, as amended (Act). NTCA's members are dedicated to providing competitive modern telecommunications services and ensuring the economic future of their rural communities.

² *In the Matter of Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers*, WT Docket No. 05-265, *Automatic and Manual Roaming Obligations Pertaining to Commercial Mobile Radio Services*, WT Docket No. 00-193, FCC 05-160, Memorandum Opinion and Order and Notice of Proposed Rulemaking, (rel. August 31, 2005).

There is no debate about consolidation in the CMRS industry. As the Commission is well aware, mergers of CMRS providers is creating ever larger, nationwide providers with substantial market power. The number of carriers is decreasing, leaving both consumers and the remaining small, rural carriers with fewer providers with which to do business. This works to the detriment of rural carriers and their subscribers.

Small, rural providers generally serve areas ignored by larger providers. Large carriers will often build out systems covering highways and the more populated areas, capturing the most customers per tower. Their customers enjoy a nationwide network that encompasses most of the areas their customers will travel. The customers of large carriers are not dependent on roaming and there is little incentive for the carrier to negotiate roaming agreements. Rural CMRS providers, in contrast, serve small, rural communities throughout the country, often far from major highways. In order to receive CMRS service in their own driveways, the rural consumer must subscribe to the rural provider. However, rural consumers must often travel great distances to reach vital goods and services such as schools, hospitals and shopping. These areas are typically served by another provider, leaving the rural consumer dependent on roaming for CMRS service. If roaming is not available, the rural consumer is left with the Hobson's choice of CMRS service at home, or CMRS service on the road, but no opportunity to enjoy both.

The cost of providing CMRS service to rural communities may be cost prohibitive if the only source of revenue is the rural customer. Rural carriers are often dependent on revenue generated by customers of other carriers roaming on the rural network. Rural

carriers report that their roaming revenues have declined substantially over the last several years. NTCA members complain that large carriers block their customers from roaming on the small carriers' networks, or engage in a practice that favors roaming on other large, nationwide carriers rather than on the rural carriers' network.

When it comes to negotiating roaming agreements with rural providers, large carriers hold all of the power. They are aware that rural carriers need the ability to offer roaming to their customers to make their service attractive. The small carrier is dependent on the large, but the dependency is not mutual. The large, nationwide carriers do not need the service of small carriers to attract customers. This unequal bargaining power gives the large providers the ability to offer a "take it or leave it" roaming agreement in which they have pre-determined the terms and conditions of roaming in a manner favorable to themselves. There is no actual "negotiation."

NTCA supports the creation of automatic roaming requirements between CMRS carriers and that the terms of roaming agreements must be just and reasonable. Automatic roaming agreements will not harm competition. It will enhance competition by helping to ensure that small providers survive the massive consolidation in the CMRS industry. Large carriers should be required to offer roaming agreements to small providers with which roaming is technically feasible. The terms of the agreements should be fair and reasonable with roaming rates having a rational relationship to costs associated with roaming. Further, large carriers should not be permitted to favor the

service of one another, in the form of preferential roaming agreements, to the detriment of small, rural carriers

Respectfully submitted,

**NATIONAL TELECOMMUNICATIONS
COOPERATIVE ASSOCIATION**

Daniel Mitchell
Jill Canfield

Its Attorneys

4121 Wilson Boulevard, 10th Floor
Arlington, VA 22203
(703) 351-2000

CERTIFICATE OF SERVICE

I, Gail Malloy, certify that a copy of the foregoing Comments of the National Telecommunications Cooperative Association in WT Docket No. 05-265, FCC 05-160 was served on this 28th day of November 2005 by first-class, United States mail, postage prepaid, or via electronic mail to the following persons.

/s/ Gail Malloy
Gail Malloy

Chairman Kevin J. Martin
Federal Communications Commission
445 12th Street, SW, Room 8-A201
Washington, D.C. 20554
Kevin.Martin@fcc.gov

Commissioner Kathleen Q. Abernathy
Federal Communications Commission
445 12th Street, SW, Room 8-B115
Washington, D.C. 20554
Kathleen.Abernathy@fcc.gov

Commissioner Michael J. Copps
Federal Communications Commission
445 12th Street, SW, Room 8-A302
Washington, D.C. 20554
Michael.Copps@fcc.gov

Commissioner Jonathan S. Adelstein
Federal Communications Commission
445 12th Street, SW, Room 8-C302
Washington, D.C. 20554
Jonathan.Adelstein@fcc.gov

Best Copy and Printing, Inc.
445 12th Street, SW
Room CY-B402
Washington, D.C. 20554
fcc@bcpiweb.com